IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.6963 of 1999

Dated: 10-04-2007

Between:

Shaik Mahaboob Sharief, s/o Mahaboob Hussain.

... Petitioner

and

1. The Mandal Revenue Officer,
   Kurnool, Kurnool District and 2 others.

... Respondents

ORDER:

Heard learned counsel for the parties.

2. Petitioner states that about 50 years back his father occupied an extent of one and half cents of Government Poramboke land in Jampalanarayanareddy Nagar of Kurnool town and had erected a hut and started to live therein and the hut was given H.No.49-A/120A. He grown up there itself and even after the death of his father, he has

been in possession and enjoyment of the said land by paying property tax. Along with him, some others also erected huts in the same area in similar extent and have been living therein and they made number of representations to the authorities requesting them to assign house site pattas. As first respondent is taking hectic steps for assignment of the lands in favour of third parties, he filed the present writ petition seeking a *mandamus* to declare the action of first respondent in proposing to assign house site pattas in favour of third parties without considering his claim over the said land for assignment of house site patta under the Board Standing Orders, as illegal and arbitrary and direct respondents to consider his case for assignment of the land and for retention of the house site to him as per law.

3. Despite the fact that the notices are served, respondents have not chosen to file any counter affidavit.

4. Evidently, even according to petitioner, his application for grant of assignment of house site patta is pending with first respondent - Mandal Revenue Officer. Hence, I deem it appropriate to dispose of the writ petition with a direction to first respondent to consider the said application as to whether petitioner is entitled for grant of house site patta or not and pass appropriate orders. The said exercise shall be completed within six weeks from the date of receipt of a copy of this order and till such time,
the petitioner shall not be dispossessed from the house site in question.

5. Accordingly, the writ petition is disposed of. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.10-04-2007
GLV